



COMMONWEALTH OF MASSACHUSETTS

**DEPARTMENT OF AGRICULTURAL RESOURCES
251 CAUSEWAY STREET, Suite 500
BOSTON, MA 02114-2151**

REQUEST FOR RESPONSE (RFR)

Orthopedic Veterinary Surgery for Retired Greyhounds

RFR File No. AGR-GATF-VET-07

Initial Responses due by July 30, 2007

This is a rolling RFR. New vendors can be added to the contract as needed

Purchasing Department: **Department of Agricultural Resources**

Address: 251 Causeway Street
Suite 500
Boston, MA 02114-2151

Telephone Number:	(617) 626-1728
Fax Number:	(617) 626-1850
Email:	daniel.rhodes@state.ma.us
RFR File Name/Title:	AGR-GATF-VET-07 Veterinary Surgery for Retired Greyhound
Procurement Team Leader / RFR Contact Person:	Daniel Rhodes, Program Coordinator
Contract Type:	Rate Contract
Procurement Management Group/Category:	Live Animals

1. DESCRIPTION OR PURPOSE OF PROCUREMENT:

The Retired Greyhound Adoption Program—housed in the Department of Agricultural Resources—assists in the placement of retired Massachusetts Greyhound into permanent adoptive homes. Part of the strategy of the program has been to contract directly with veterinarians to provide necessary veterinary care to greyhounds. These greyhounds are then given to adoption groups both inside and outside of Massachusetts for placement into homes. Currently, the program has contracts with veterinarians providing spay/neuter and other services to greyhounds. The purpose of this RFR is to extend the veterinary services provided through the program to orthopedic veterinary treatment / surgery in order to expedite the adoption of those greyhounds that have been injured while racing.

2. ACQUISITION METHOD

Fee for service

3. SINGLE OR MULTIPLE CONTRACTORS FOR CONTRACT PERFORMANCE

Multiple: Multiple contractors are sought to fulfill the services associated with this RFR.

4. SINGLE OR MULTIPLE DEPARTMENTS MAY CONTRACT UNDER THIS RFR:

Single. Only the Agricultural Resources may contract under AGR-GATF-VET-07

5. TOTAL ANTICIPATED DURATION OF CONTRACTS

Initial Contract Duration: Two years.

Options to Renew:

Agricultural Resources reserves the right to fund a portion, change the scope, and/or delete or add to the scope of services of any responsive proposal. Successful responders may decide not to enter into a contract if the revised scope does not meet their approval. Agricultural Resources offers no guarantee that any particular funding will be awarded under this RFR. Any potential Contract with a successful responder will be subject to the availability of funds that will be disbursed in a manner consistent with the terms of the responsive proposal, a mutually agreed upon scope of services, budget, and time line that shall be made a part of a contract and all relevant laws and regulations. Agricultural Resources, at their sole discretion, may renew any Contract awarded for a responsive proposal to RFR AGR-GATF-VET-07 for up to Three (3) additional one (1) year terms depending upon legislative authority and annual appropriation.

Options to Renew are not to exceed One (1) Year.

6. TOTAL ANTICIPATED EXPENDITURES FOR TOTAL ANTICIPATED DURATION OF CONTRACT(S): (Amounts indicated are only estimates. Contract amounts during the period of any contract are subject to a selected responsive proposal, and may increase or decrease based on contract negotiations, performance selected, appropriation or availability of funds.)

Estimated Value of Procurement:

The total funding available through the Greyhound Adoption Trust Fund is approximately \$200,000.00 per year. However, this is dependent upon racing receipts at the two Massachusetts racetracks.

Estimated Units: 2

This is a rate contract with multiple/negotiated rates and no maximum obligation.

These services includes cost of the surgery, all associated care with the surgery and all follow up care:

Simple Orthopedic Surgery

Extensive Orthopedic Surgery

Spay / Neuter and any or all of the following services:

teeth cleaning, inoculations, tick titer

7. PERFORMANCE AND CONTRACT SPECIFICATIONS:

The Department is interested in contracting with veterinarians providing orthopedic treatment /surgeries to greyhounds that have been injured while racing or training at a Massachusetts greyhound racetrack. The Department is seeking to write contracts with veterinarians for reasonable orthopedic treatment / surgery to eligible greyhounds not to exceed \$1800.00. The Department will be able to pay for surgeries that—in extreme circumstances—go beyond the \$1800.00 price limit. However, such costs need to be approved by the Department in advance of their being eligible for reimbursement.

In addition to the surgical care, the Department is interested in having the spay/neuter, teeth cleaning, and inoculation services provided—where necessary—to those greyhounds that have received surgical care. The Department would reimburse a total of \$200.00 for spay/neuter and other necessary and plausible veterinary care provided. It is not necessary for an interested bidder to provide this care.

Invoicing of Expenses:

Any selected contractor will be required to submit invoices clearly showing the services rendered to each greyhound and include the following information: a) the racing name of the greyhound receiving services, b) both tattoo numbers of the greyhound receiving services, c) signed certification that the National Greyhound Association has been notified that this greyhounds is now a pet and is no longer to be raced or bred. The means of providing this certification will be provided by the Department.

Contractors will be reimbursed for services.

8. INSTRUCTIONS FOR SUBMISSION OF RESPONSES:

All bids should include:

The maximum price for simple surgeries with follow-up care:

The maximum price for complex surgeries with follow-up care:

In addition to the general price, this information includes a description of the services to be rendered—including the surgery, examination, radiography—and the type and extent of follow-up services provided

The pricing for performing a Spay / Neuter (with teeth cleaning and inoculations if needed and possible) the maximum amount of these combined services cannot exceed \$200.00.

In addition to the bid itself each proposal should also include:

- A. A copy of a valid Massachusetts Veterinary License for those veterinarians who will be performing services on greyhounds.
- B. Proof of malpractice insurance.
- C. 3 Business References—use business reference form.

Responses will be evaluated based upon the following criteria:

- 1. The completeness of the proposal
- 2. Ability of the veterinarian to provide services
- 3. Cost of the services
- 4. Evaluation through business references
- 5. Affirmative Market Plan (AMP) Certification

Please send all responses to:

Daniel Rhodes
Program Coordinator
Massachusetts Department of Agricultural Resources
251 Causeway Street
Suite 500
Boston, MA 02114

9. Deadline for Responses and Procurement Calendar

The initial deadline for the submission of responses is July 8, 2007 at 5:00 p.m. Please note that this is a rolling procurement. This means that accepted bidders may be added to the contract as needed.

Calendar:

Publication of the Contract on Comm-pass: May 21, 2007.

Initial response due date: July 8, 2007

Estimated Contract Start date: August 1, 2007

10. RFR ATTACHMENTS/REQUIRED SPECIFICATIONS

The following forms are located under the forms tab of this procurements listing on Comm.pass. They are there for informational purposes only and do not need to be completed until contract execution.

- 1. Standard Contract Form
- 2. Commonwealth Terms and Condition
- 3. Contractor Authorized Signatory Listing
- 4. Northern Ireland Notice and Certification
- 5. Affirmative Action Commitment Statement
- 6. Affirmative Market Program (AMP) Form
- 7. Executive Order 481 Certification

Note: Some of these individual forms may be incorporated into the Commonwealth's Standard Contract form and will not be necessary for completion upon awarding of contract.

RFR - REQUIRED SPECIFICATIONS

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the *Commonwealth Terms and Conditions* (either version). However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00:

The terms of 801 CMR 21.00: *Procurement of Commodities and Services* (and 808 CMR 1.00: *Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

Affirmative Market Program (AMP). Massachusetts Executive Order 390 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs) that resulted in the Affirmative Market Program in Public Contracting. M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, joint venture partners or other type of business partnerships. All bidders must follow the requirements set forth in the AMP section of the RFR, which will detail the specific requirements relating to the prime vendor's inclusion of M/WBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs within the primary industries affected by this RFR. In order to satisfy the compliance of this section and encourage bidder's participation of AMP objectives, the Affirmative Market Program (AMP) Plan for large procurements greater than \$50,000 will be evaluated at 10% or more of the total evaluation. Once an AMP Plan is submitted, negotiated and approved, the agency will then monitor the contractor's performance, and use actual expenditures with SOMWBA certified contractors to fulfill their own AMP expenditure benchmarks. M/WBE participation must be incorporated into and monitored for all types of procurements regardless of size, however, submission of an AMP Plan is mandated only for large procurements over \$50,000.

This RFR will contain some or all of the following components as part of the Affirmative Market Program Plan submitted by bidders:

- Sub-contracting with certified M/WBE firms as defined within the scope of the RFR,
- Growth and Development activities to increase M/WBE capacity,
- Ancillary use of certified M/WBE firms,
- Past Performance or information of past expenditures with certified M/WBEs and
- Additional incentives for bidders to commit to at least one certified MBE and WBE in the submission of AMP plans.

A Minority Business Enterprise (MBE), Woman Business Enterprise (WBE), M/Non-Profit, or W/Non-Profit, is defined as such by the State Office of Minority and Women Business Assistance (SOMWBA). All certified businesses that are included in the bidder's AMP proposal are required to submit an up to date copy of their SOMWBA certification letter. The purpose for this certification is to participate in the Commonwealth's Affirmative Market Program for public contracting. Minority- and Women-Owned firms that are not currently certified but would like to be considered as an M/WBE

for the purpose of this RFR should submit their application at least two weeks prior to the RFR closing date and submit proof of documentation of application for consideration with their bid proposal. For further information on SOMWBA certification, contact their office at 1-617-973-8692 or via the Internet at mass.gov/somwba.

Affirmative Market Program Subcontracting Policies. Prior approval of the agency is required for any subcontracted service of the contract. Agencies may define required deliverables including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) for the purpose of monitoring and enforcing compliance of subcontracting commitments made in a bidder's Affirmative Market Program (AMP) Plan. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors.

Best Value Selection and Negotiation. The Procurement Management Team (PMT) may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The PMT and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the PMT regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through Comm-PASS.

Comm-PASS. If this RFR has been distributed electronically using the Comm-PASS system, RFR attachments that are referenced are incorporated by reference into the RFR and are available as separate files within the Forms tab and Specifications tab of the Comm-PASS Solicitation record. OSD Forms are also available at www.mass.gov/osd under the Related Links section. While Comm-PASS offers optional, value-added, automated [Comm-PASS Subscription Service](#) on an annual-fee basis, all bidders are solely responsible for obtaining and completing the required attachments that are identified in this RFR and for checking Comm-PASS for any addenda or modifications that are subsequently made to this RFR or attachments. The Commonwealth and its subdivisions accept no liability for and will provide no accommodation to bidders who fail to check for amended RFRs/Requests for Quotes (RFQs) or any other procurement opportunities and subsequently submit inadequate or incorrect responses. Bidders are advised to check the Last Changed Date field on the Summary page or the Amendment History within the Other Information tab of RFRs for which they intend to submit a response in order to ensure that they have the most recent RFR files. Bidders may not alter (manually or electronically) the RFR language or any RFR component files. Modifications to the body of the RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited and may disqualify a response.

Comm-PASS Subscription Service. The Comm-PASS Subscription Service is sponsored by the Operational Services Division. This service offers a prospective bidder a secure, web-based desktop that contains tools to track and manage postings including solicitation announcements, Request for Responses (RFRs), and Contracts that match the subscriber-designated set of categories and sub-categories on the Commonwealth's Procurement Access and Solicitation System (Comm-PASS).

Comm-PASS Basic Service will provide a subscriber with:

- Secure web-based desktop within Enhanced Comm-PASS for document management.
- A customizable profile reflecting the bidder's product/service areas of interest.
- Refined commodity and service categories and sub-categories.
- Full-cycle, automated email alert whenever a solicitation of interest is posted or updated.
- Access to Online Bidder Forums to allow for virtual attendance and participation.
- Tools to submit bids electronically to an encrypted lock-box.

Every public purchasing entity within the borders of Massachusetts may post their solicitations on Comm-PASS at no charge. Comm-PASS has the potential to become the sole site for reviewing and responding electronically to public solicitations in Massachusetts. Fees for the Comm-PASS Subscription Service are based on costs to operate, maintain and develop the Comm-PASS system.

Contract Expansion. If additional funds become available during the contract duration period, the department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.

Costs. Costs which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

Electronic Communication/Update of Bidder's/Contractor's Contact Information. It is the responsibility of the prospective bidder and awarded contractor to keep current the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the PMT, including requests for clarification. The PMT and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the PMT to be lost or rejected by any means including email or spam filtering.

Electronic Funds Transfer (EFT). All bidders responding to this RFR must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder can provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors are able to track and verify payments made electronically through the Comptroller's Vendor Web system. A link to the EFT application can be found on the [OSD Forms](http://www.mass.gov/osd) page (www.mass.gov/osd). Additional information about EFT is available on the [VendorWeb](http://www.mass.gov/osc) site (www.mass.gov/osc). Click on MASSfinance.

Successful bidders, upon notification of contract award, will be required to enroll in EFT as a contract requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to this department for review, approval and forwarding to the Office of the Comptroller. If the bidder is already enrolled in the program, it may so indicate in its response. Because the *Authorization for Electronic Funds Payment Form* contains banking information, this form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public

records request.

The requirement to use EFT may be waived by the PMT on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. The PMT will consider such requests on a case-by-case basis and communicate the findings with the bidder.

Environmental Response Submission Compliance. In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all responses submitted should comply with the following guidelines:

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non re-usable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- **Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.**
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their responses are made with recycled materials.
- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the RFR and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the department will require in order for the department to comply with HIPAA and the privacy and security regulations promulgated thereunder (45 CFR Parts 160, 162, and 164) (the Privacy and Security Rules). For example, if the department determines that the successful bidder is a business associate performing functions or activities involving protected health information, as such terms are used in the Privacy and Security Rules, then the department will include in the RFR and resulting contract a sufficient description of business associate's contractual obligations regarding the privacy and security of the protected health information, as listed in 45 CFR 164.314 and 164.504 (e), including, but not limited to, the bidder's obligation to: implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information (in whatever form it is maintained or used, including verbal communications); provide individuals access to their records; and strictly limit use and disclosure of the protected health information for only those purposes approved by the department. Further, the department reserves the right to add any requirement during the course of the contract that it determines it must include in the contract in order for the department to comply with the Privacy and Security Rules. Please see other sections of the RFR for any further HIPAA details, if applicable.

Minimum Bid Duration. Pursuant to MGL c. 106, Section 2-205, bidders responses/bids made in response to this RFR must remain in effect for 90 days from the date of bid submission.

Northern Ireland Notice and Certification. All bidders must complete the Northern Ireland Notice and Certification form to satisfy M.G.L. c.7 section 22C, which states that no state agency may procure commodities or services from any bidder employing ten (10) or more employees in an office or other facility located in Northern Ireland unless the bidder certifies through the notice and certification form that if it employs ten or more employees in Northern Ireland, a) the bidder does not discriminate in employment, compensation or the terms, conditions and privileges of employment on account of religious or political belief, b) the bidder promotes religious tolerance within the workplace and the eradication of any manifestations of religious and other illegal discrimination and, c) the bidder is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

Pricing: Federal Government Services Administration (GSA) or Veteran's Administration Supply. The Commonwealth reserves the right to request from the successful bidder(s) initial pricing schedules and periodic updates available under their GSA or other federal pricing contracts. In the absence of proprietary information being part of such contracts, compliance for submission of requested pricing information is expected within 30 days of any request. If the contractor receives a GSA or Veteran's Administration Supply contract at any time during this contract period, it must notify the Commonwealth contract manager.

Pricing: Price Limitation: The bidder must agree that no other state or public entity customer within the United States of similar size and with similar terms and conditions shall receive a lower price for the same commodity and service during the contract period, unless this same lower price is immediately effective for the Commonwealth. If the Commonwealth believes that it is not receiving this lower price as required by this language, the bidder must agree to provide current or historical pricing offered or negotiated with other state or public entities at any time during the contract period in the absence of proprietary information being part of such contracts.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Reasonable Accommodation. Bidders with disabilities that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case-by-case basis. A bidder requesting accommodation may be required to confirm his or her request in writing to the contact person. The request must state that it is based on a disability and specifically identify the accommodation desired. Although entities of the Commonwealth will make all reasonable efforts to accommodate the requests of bidders with disabilities, they reserve the right to reject unreasonable requests.

Restriction on the Use of the Commonwealth Seal. Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth

for advertising or commercial purposes is prohibited by law.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.

BUSINESS REFERENCE FORM

Bidder: _____

RFR Name/Title: _____

RFR Number: _____

The bidder must provide (indicate a number) _____ business references.

Reference name: _____ Contact: _____

Address: _____

Phone: # () _____

Fax/Internet address: _____

Description and date(s) of commodities and services provided: _____

Reference name: _____ Contact: _____

Address: _____

Phone: # () _____

Fax/Internet address: _____

Description and date(s) of commodities and services provided: _____

Reference name: _____ Contact: _____

Address: _____

Phone: # () _____

Fax/Internet address: _____

Description and date(s) of commodities and services provided: _____

References will be contacted to confirm the bidder's abilities and qualifications as stated in the bidder's response. The department may deem the bidder's response unresponsive if a reference is not obtainable from a listed reference after reasonable attempts.